

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

\* \* \*

Bryan Pittman,

Plaintiff,

v.

LVMPD, et al.,

Defendants.

Case No. 2:21-cv-01550-JAD-DJA

**Order**

After Defendants LVMPD; Officer Stephen Wisniewski; Officer Paul Lewis; Officer Michael Schena; and Officer Eddie Scott filed their answer to Plaintiff Bryan Pittman's complaint, Plaintiff filed a "response" to the answer. (ECF No. 23). Defendants moved the Court to strike the response under its inherent authority to control its docket. (ECF No. 24). Plaintiff did not file a response.

Defendants argue that the Court should use its inherent power to strike items from the docket to strike the "response" because Plaintiff's "response" is a rogue supplemental pleading under Local Rule 7-2(g). That Rule requires a party to seek leave of court before filing a supplemental pleading. LR 7-2(g). Alternatively, Defendants argue that the Court should strike the response because Federal Rule of Civil Procedure 7 requires a party to seek leave of court to reply to an answer. Fed. R. Civ. P. 7(a)(7). Because Plaintiff did not seek leave of court to file the "response," Defendants assert that the Court should strike it under either Local Rule 7-2(g) or Federal Rule of Civil Procedure 7(a)(7).

District courts possess authority to strike an improper filing under their inherent power to control the docket. *E.g., Ready Transp., Inc. v. AAR Mfg., Inc.*, 627 F.3d 402, 404 (9th Cir. 2010). "Motions to strike under the inherent power...are wholly discretionary." *Jones v. Skolnik*, No. 3:10-cv-00162-LRH-VPC, 2015 WL 685228, at \*2 (D. Nev. Feb. 18, 2015). Under Local

1 Rule 7-2(d), the failure of an opposing party to file points and authorities in response to any  
2 motion constitutes a consent to the granting of the motion.

3 The Court grants Plaintiffs' motion to strike. Plaintiff's "response" is improper under  
4 both Local Rule 7-2(g) and Federal Rule of Civil Procedure 7(a)(7) because he did not seek leave  
5 of Court to file it. Nor did Plaintiff respond to Defendants' motion, constituting his consent to the  
6 Court granting it.

7 **IT IS THEREFORE ORDERED** that Defendants' motion to strike (ECF No. 24) is  
8 granted. The Clerk of Court is kindly directed to strike ECF No. 23.

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10 DATED: June 14, 2022



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DANIEL J. ALBRECHTS  
UNITED STATES MAGISTRATE JUDGE